

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 3, 1944
10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Alford, Gillis, Mayor Miller - 3
Absent : Councilmen Bartholomew and Wolf - 2

Present also: Walter E. Seaholm, Acting City Manager; J.M.Patterson, Jr., Acting City Attorney.

The minutes of the Regular Meeting of July 27, 1944, were read; and on motion of Councilman Alford were adopted as read by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
Noes : None
Absent: Councilmen Bartholomew and Wolf

The application of MACK HENDERSON, 1194 San Bernard Street, for a taxi-cab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
Noes : None
Absent: Councilmen Bartholomew and Wolf

The application of SAM ATTAL'S PACKAGE STORE, 421 East 6th Street, by Sam Attal, owner, for a Retail Package Store permit, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
Noes : None
Absent: Councilmen Bartholomew and Wolf

The application of DAN'S LIQUOR STORE NO. 2, 1502 Lavaca Street, by Dan Stathos, owner, for a Retail Package Store permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
Noes : None
Absent: Councilmen Bartholomew and Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Acting City Manager is hereby authorized and directed in behalf of the City of Austin, to execute a release to Ed Schwarzer of any and all liens heretofore existing or now existing by reason of the hereinafter mentioned judgment, in consideration of the payment of all taxes and court costs involved in tax suit No. 47,647, City of Austin vs. Ed Schwarzer, in the District Court of Travis County, Texas, in which judgment was rendered in favor of the City of Austin on the 8th day of July, 1930, and is recorded in Book 19, Page 500, of the District Court Minutes of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a private gasoline plant consisting of one 550 gallon tank and one gasoline pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, the property situated on the west side of South 1st Street, which property is owned by Lee Maners and is designated as Lot 3, Block 9, Faulk's Subdivision of the City of Austin, Travis County, Texas, and hereby authorizes the said Lee Maners to operate a private gasoline plant consisting of one 550 gallon tank and one gasoline pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if after hearing it is found by the City Council that the said Lee Maners has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
August 3, 1944

Mr. Walter E. Seaholm
Acting City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Lee Maners for permission to operate a private gasoline plant consisting of a 550-gallon tank and one gasoline pump for the sole purpose of servicing his own motor equipment and from which no gasoline is to be sold, upon property located on the west side of South 1st Street, which property is designated as Lot 3, Block 9, Faulk's Subdivision of the City of Austin, Travis County, Texas, and locally known as 2200 South 1st Street.

This property is located in a "C" Commercial District, and I recommend that this permit be granted, subject to the following conditions:

(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the National Board of Fire Underwriters and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

(2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.

(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(4) That all fees shall be paid and a permit secured from the Building Inspector's office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

/s/ J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Axford, Gillis, Mayor Miller

Noes: None

Absent: Councilmen Bartholomew and Wolf

Councilman Gillis introduced the following resolution, and moved its adoption:

(RESOLUTION)

WHEREAS, L. L. Bradshaw is the contractor for the repair of a building located at 500 Colorado Street and desires a portion of the sidewalk space abutting part of Lots 4, 5, and 6, Block 54, of the Original City of Austin, Texas, during the repair of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

1. THAT space for the uses hereinabove enumerated be granted to said L. L. Bradshaw, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 5th Street 6 feet to a point; thence in an easterly direction and parallel with the centerline of West 5th Street approximately 90 feet to a point; thence in a northerly direction and at right angles to the centerline of West 5th Street to the south line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said L. L. Bradshaw, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the contractor shall construct a guard rail within the boundary line along the east, west, and south lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4) That the contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5) That the contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment and other obstructions shall be removed not later than August 15, 1944.

(6) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(g) That any public utility or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the contractor, City forces, or public utilities, shall be replaced or repaired

at the contractor's expense.

(9) That the contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in COLE STREET from a point 356 feet north of East 24th Street southerly 74 feet, the centerline of which gas main shall be 7-1/2 feet west of, and parallel to, the east property line of said Cole Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (2) A gas main in SANTA MARIA STREET from Prowse Lane west 130 feet, the centerline of which gas main shall be 7-1/2 feet south of, and parallel to, the north property line of said Santa Maria Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (3) A gas main in BENNETT AVENUE from East 50th Street south 197 feet, the centerline of which gas main shall be 7-1/2 feet west of, and parallel to, the east property line of said BENNETT AVENUE.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (4) A gas main in CASWELL AVENUE from East 49th Street south 193 feet, the centerline of which gas main shall be 15 feet west of, and parallel to, the east property line of said Caswell Avenue.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (5) A gas main in EAST 8TH STREET from a point 95 feet east of Lincoln Street easterly 56 feet, the centerline of which gas main shall be 7 feet north of, and parallel to, the south property line of said East 8th Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (6) A gas main in SANTA ROSA STREET from a point 14 feet west of Federnales Street easterly to Federnales Street, the centerline of which gas main shall be 6-1/2 feet south of, and parallel to, the north property line of said Santa Rosa Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (7) A gas main in FEDERNALES STREET from Santa Rosa Street southerly 62 feet, the centerline of which gas main shall be 7-1/2 feet west of, and parallel to, the east property line of said Federnales Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

The application of ALBERT R. THORNTON, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Dodge Sedan, 1940 Model, State License (1942) No. N24-503, State License (1944) No. FS5-904, to replace Taxicab Permit No. 71 cancelled by F. L. Bishop, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

The application of PRIVATE RAYMOND FREDRICK SMITH, 407 East 8th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, taxes for the years 1935 through 1943 were assessed in the name of Annie E. Barnhill on Lots 9 $\frac{1}{2}$, 10 and W 6.8 feet of 8, Block 10, Outlot 58, Division B, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$196.24, and for non-payment of same at maturity, penalty in the sum of \$9.81 has been assessed and interest in the amount of \$50.17 has accrued, making the total amount of taxes, penalties and interest due \$256.22; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$9.81 and one-half of the interest in the sum of \$25.08; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$9.81 and one-half of the interest in the sum of \$25.08 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$9.81 and said interest in the sum of \$25.08 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest, as aforesaid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

There being no further business, on motion, seconded and carried, the meeting was recessed at 11:10 A. M., subject to call of the Mayor.

APPROVED Tom Miller.
MAYOR

ATTEST:

Ydellie M. Keller
CITY CLERK